

REMARKS

The Applicants have reviewed and considered the Office Action dated November 17, 2004, and the references cited therewith. Claims 1, 19, 22, 36, 139, 142, and 155 are amended, no claims are canceled and no claims are added. As a result, claims 1, 4-7, 17-30, 36, 139, 142-157, 270-273, and 283-286 are now pending in this application. The amendments to the claims are fully supported by the specification as originally filed, and no new matter has been added. The amendments are made to clarify the claims and are not intended to limit the scope of equivalents to which any claim element may be entitled. Applicants respectfully request reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

§103 Rejection of the Claims

The Examiner rejected claims 1, 4-7, 17-23, 27-29, 270-273 and 283-286 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 5,533,102 (hereinafter Robinson) submitted in view of U.S. Patent 6,564,321 (hereinafter Bobo). Applicants traverse this rejection for the reasons set out below.

The Applicants do not admit that Bobo is prior art, and reserve the right to swear behind Bobo at a later date. Nevertheless, the Applicants respectfully submit that the claims are distinguishable over Bobo for the reasons argued below.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 includes the following limitation:

“ . . . wherein said at least one processing rule is selected based on at least one of the **call type** and the calling party.” (Emphasis Added)

The prior art references simply do not teach or suggest all the claim limitations of the independent claim of the present application. Specifically, the Office Action cites Robinson as teaching the above limitation of claim 1 **where at least one processing rule is selected based on at least one of the call type and the calling party**. The Applicants respectfully disagree.

The Office Action specifically acknowledges on page 4 that Robinson does not disclose a means for identifying a call type for incoming calls. Therefore, it stands to reason that Robinson cannot teach or suggest selecting a processing rule based on the **call type** and the calling party. The portion of the specification cited by the Office Action as teaching the limitation is Figure 5. Figure 5 depicts the steps of **receive call, identify called party, and identify caller**, but fails to teach or suggest a call type. Nowhere in Robinson is “at least one processing rule is selected based on at least one of the call type and the calling party” taught or suggested.

Bobo, in the abstract portion cited in the Office Action, states the following:

“A Message Storage and Deliver System (MSDS) is connected to the public switched telephone network (PSTN) and receives incoming calls with these calls being facsimile, voice, or data transmissions. The MSDS detects the type of call and stores the message signal in a database. The MSDS is also connected to the Internet and has a hyper-text transfer protocol daemon (HTTPD) for receiving requests from users. The HTTPD forwards requests for certain files or messages to a network server which transmits at least part of the message to the HTTPD and then to the user. In addition to requests for certain documents, the HTTPD may also receive a request in the form of a search query. The search query is forwarded from the HTTPD to an application program for conducting the search of the database. The results of the search are forwarded through the HTTPD to the user. The user may then select one or more files or messages from the search results and may save the search for later reference.”

While the Applicants agree that Bobo discloses a Message Storage and Delivery System (MSDS) that detects a call type, there is no disclosure in the cited portion of Bobo of a processing rule being selected based on a detected call type. Accordingly, Bobo fails to cure the deficiencies of Robinson. Specifically, the combination of cited portions of Robinson and Bobo fails to teach or suggest **at least**

one processing rule is selected based on at least one of the call type and the calling party, as recited in claim 1. As such, the Applicants respectfully submit that the rejection of claim 1 has been overcome.

Claims 4-7, 17-23, 27-29, 270-273 and 283-286 all depend from claim 1, and claim additional limitations upon the call management system. According to the arguments presented above for claim 1, the Applicants respectfully submit that the rejections of claims , 4-7, 17-23, 27-29, 270-273 and 283-286 under 35 U.S.C. § 103(a) have been addressed by the arguments presented above with respect to claim 1.

Additionally, the Office Action rejected Claims 24, 30, 36, 139, and 142-157 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robinson submitted in view of Bobo in combination with several other patents. Given that the rejected claims all depend upon claim 1, which includes the limitation of **at least one processing rule is selected based on at least one of the call type and the calling party**, and given that each of the rejections depended upon Robinson for teaching the limitation, the Applicants respectfully submit that all rejections have been overcome in the same manner as discussed above with respect to claim 1.

The Examiner on page 8 of the Office Action takes Official Notice of the "other destination is a destination on the Internet." with regards to claim 151. The Applicants respectfully object to the taking of Official Notice, and pursuant to M.P.E.P. § 2144.03, the Applicants traverse the assertion of Official Notice and requests that the Examiner cite a reference that teaches the missing element. If the Examiner cannot cite a reference that teaches the missing element, the Applicants respectfully request that the Examiner provide an affidavit that describes how the missing element is present in the prior art. If the Examiner cannot cite a reference or provide an affidavit, the Applicants requests withdrawal of the rejection and reconsideration and allowance of claim 151.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-333-9972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

PAUL C. ROGERS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-333-9972

Date 2/8/2005

By Mark R. Vatuone
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of February, 2005.

Dawn R. Shaw

Name

Dawn R. Shaw

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